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October 26, 2020

Hon. Richard J. Sullivan
United States Court of Appeals for the
Second Circuit
500 Pearl Street
New York, New York 10007

Re: *United States v. John Rubeo*
Case No.: 12 Cr 260 (RJS)

Dear Judge Sullivan,

On October 16, 2020, the court held a video conference on the above-mentioned matter. I appeared with my client John Rubeo, along with the Government and the Probation Department. At the hearing, the court directed Probation to serve relevant specifications regarding Mr. Rubeo's status on supervised release and instructed me to file this letter after I received the specifications to indicate how my client wanted to proceed. I was to receive the specifications by Tuesday, October 20.

To date, neither the Government nor I have received the specification. I followed up with Mr. Rubeo's Supervising Probation Officer who indicated the matter is now being handled through the Probation Office for the Southern District of New York. Since I do not have the specifications today, I respectfully request the court extend my time to respond to the specifications to one week from the date of receipt. The Government has no objection to my request for an extension to respond. After I receive and review the specifications with my client, I will be able to let the court know what Mr. Rubeo's intentions are as to the same.

However, I would like at this time to advise the court that I will be requesting that the next proceeding be held via video conference under the CARES ACT for the following reasons: Mr. Rubeo suffers from emphysema and is living in a state that would require quarantine upon arrival in New York. Furthermore, I too have underlying medical conditions and am in a state that would require mandatory quarantine. In addition, as the court is aware, there has been a recent spike in COVID -19 cases. That said, without knowing the details about the specifications, and provided the court approve my request, I will address this matter further in my future letter to the court.

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Respectfully submitted,

s/ Louis V. Fasulo

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Cc: AUSA

IT IS HEREBY ORDERED THAT Supervisee's request for an extension of time to respond to the Probation Office's report of October 26, 2020 is granted. Accordingly, Supervisee shall submit a letter by November 2, 2020 indicating how he wishes to proceed in light of the report. IT IS FURTHER ORDERED THAT the government shall submit a response by November 6, 2020.

SO ORDERED.

Dated: October 26, 2020
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

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